

Appl. No. 10/616,852
Paper dated February 6, 2006
Reply to Office Action dated December 21, 2005

REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

A. Finality Premature; Withdrawal Requested

Finality of the office action is respectfully asserted to be premature in light of MPEP § 706.07(a), which says it is improper to make final an Office Action if it includes a rejection on newly cited art of any claim not amended by the applicant. One of the references cited in the December 21, 2005 "final" office action was U.S. Patent No. 6,494,776 to Molbak ("Molbak"). Molbak had not been cited previously. It is now being cited against original claims 7 and 20, which are original claims that have not been amended heretofore. As such, MPEP § 706.07(a) dictates that the office action be made non-final. Reconsideration and withdrawal of finality is requested.

B. Status of the Claims and Explanation of Amendments

Claims 1-32 are pending. By this paper, claims 1, 8, 14 and 21 are amended to clarify that the accepting is "for use in a network of such acceptors" and that the communication means sends and receives alarm signals "via the network" and that the processing means responds to alarm signals received "via the network." Support for these amendments is found throughout the application as originally filed including for example:

<u>Location In Specification</u>	<u>Description</u>
Page 6, line 30 to Page 7, line 1	the broadcast of an alarm <i>from the acceptor</i> to other machines in the network. The alarm indicates a switch, by the acceptor, to a restricted access window.
Page 9, lines 13-16	the broadcast of an alarm <i>from the acceptor to</i> other machines in the network. This alarm indicates that the acceptor has set the timer running.

Appl. No. 10/616,852
 Paper dated February 6, 2006
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<u>Location In Specification</u>	<u>Description</u>
Page 10, lines 22-25	the acceptor <i>receiving</i> an alarm signal from another machine in the network.
Page 3, lines 1-3	the connection between gaming machines is provided by an Ethernet network and the connection between each machine and the network as provided by a network interface card, which is coupled to a microcontroller (See also Page 5, lines 6-7).
Figure 3	Both the network interface card and the microcontroller are comprised as part of the coin acceptor

None of these amendments is made for any substantial reason related to patentability (§§102 or 103). It is respectfully asserted that no new matter will be added to this application by entry of these amendments.

To the extent that finality is maintained, entry of the above-referenced claim amendments is requested pursuant to 37 C.F.R. § 1.116 as complying with matters of form raised in the office action. Specifically, the office action rejected claims 1, 8, 14, 21 and 27 pursuant to 35 U.S.C. § 112, ¶2 as allegedly being indefinite. [12/21/05 Office Action at p. 2]. These claims as amended clarify that the alarm signals and send to and from a network. Applicants respectfully assert that the scope of this claim language would be sufficiently clear to one of ordinary skill at the relevant time. Withdrawal of the rejection is requested.

As to the merits, claims 1-32 were rejected pursuant to 35 U.S.C. § 103(a) as allegedly being unpatentable over Molbak in view of U.S. Patent No. 5,730,272 to Dobbins et al. ("Dobbins"). [12/21/05 Office Action at pp. 2-3].

C. Claims 1-32 are Patentably Distinct from Molbak in view of Dobbins

The rejection of claims 1-32 is respectfully traversed. As explained more fully more, the requirements for such rejections are not met.

Appl. No. 10/616,852

Paper dated February 6, 2006

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Applicants' claim 1 recites:

An acceptor for money items or the like comprising:

sensing means for sensing parameters of an item submitted to the acceptor,

processing means for determining acceptability of the item submitted to the acceptor in the basis of an acceptance criteria using the parameters thereof sensed by the sensing means, and

communication means, associated with the processing means, and adapted to send and receive alarm signals from the acceptor and from other acceptors,

wherein the processing means is configured to respond to a condition indicative of a fraud attempt by sending an alarm signal using said communication means and

wherein the processing means is configured to respond to an alarm signal, received by said communication means, to modify the acceptance criteria.

The Examiner considers that it would have been obvious to replace the currency discrimination system of Molbak with that of Dobbins.

Molbak is directed to a coin acceptance method of receiving the contents of a coin hopper in a relatively short time period. As Molbak suggests, (col. 2, lines 3-7), in addition to coins, the content of the hopper is likely to comprise foreign or waste material. To facilitate high processing speed, Molbak utilizes a waste control system designed to remove foreign objects prior to the contents of the hopper being received by the counting/ sorting system. Foreign objects are removed, for example, if they have a significantly different size, shape or weight to that of a coin.

However, the system of Molbak does not provide for the removal of counterfeits or other foreign objects during the counting/sorting process. In fact, Molbak does not discuss the removal of counterfeit coins, or the prevention of fraud, in any regard.

Appl. No. 10/616,852
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In Molbak's system, having reached the counting/sorting stage, all objects are directed into one of a plurality of currency bags. The system of Molbak does not, therefore, provide any exit path to accommodate the possible removal of counterfeit coins at this stage.

Consequently, the systems of Molbak and Dobbins are incompatible. Even if the currency discrimination system of Molbak were replaced with that of Dobbins, any coins recognized as counterfeits by the coin acceptor would still have to be deposited into one of the currency bags. Clearly this effect is contrary to the objective of any currency discrimination system.

In order for the systems of Molbak and Dobbins to become compatible, significant modification would have to be made to Molbak's system and, therefore, their combination cannot be regarded as obvious.

The Examiner further considers that it would have been obvious to communicate modifications in coin acceptance criteria over Molbak's communication means. However, as admitted by the Examiner, the communication means disclosed by Molbak transfers information between the currency discrimination system and a central computer facility, or vice versa (see claim 1 of Molbak for example). Therefore, in order for one machine to alert another machine to a fraud attempt, an alarm signal would have to be sent via the central computer facility.

Applicants' claim 1 of the present invention recites "communication means, associated with processing means, and adapted to send and receive alarm signals from the acceptor and from other acceptors."

As outlined above, with the communication means of Molbak, the coin acceptor would have to send and receive alarm signals to and from the coin acceptor of another machine

Appl. No. 10/616,852
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via a central computer facility. The communication means would not, therefore, be adapted to *receive alarm signals from other acceptors*, as recited in claim 1. Instead, any alarm signals in Molbak would be received from the central computer facility.

Accordingly, as Applicants cannot find the communication means of claim 1 in Molbak or Dobbins, at least independent claims 1, 8, 14, 21, and 27, and their dependent claims 2-7, 9-13, 15-20, 22-26, and 28-32 are respectfully asserted to be in condition for allowance.

Applicants have chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. These statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art. Likewise, Applicants have chosen not to swear behind Molbak cited by the office action at this time. Applicant, however, reserves the right, as provided for under 37 C.F.R. § 1.131, to do so in the future as appropriate.

Finally, Applicants have not specifically addressed the rejections of the dependent claims. Applicants respectfully submit that the independent claims, from which they depend, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims in the future as appropriate.

Appl. No. 10/616,852
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CONCLUSION

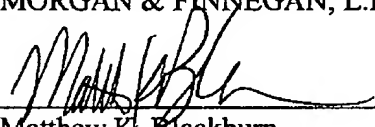
For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1193-4049.

Respectfully submitted,
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Dated: February 6, 2006

By: _____


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